IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 1092 of 1999

Between:

G.K. Srinivasulu S/o G.K. Swamy
K.M.G.HIgh School, Education committee,
Chittoor.

..... PETITIONER

AND

1 District Collector, Chittoor.
2 The Revenue Divisional Officer, Chittoor.
3 The Commissioner, Chittoor Municipality,
Chittoor.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly a writ of mandamus, declaring the action of the 1st respondent in allotting the K.M.G.High School premises Chittoor for running the ryot bazar, as illegal, arbitrary, unconstitutional against the principles of natural justice and without any power or authority or jurisdiction and consequently direct the respondents not to run the ryot bazar in the premises of K.M.G.High School, Chittoor.

Counsel for the Petitioner : Mr.T.RAJENDRA PRASAD

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

ORDER:

Assailing the action of the respondents in allotting the K.M.G.High School premises Chittoor for running the ryot bazar, the present writ petition is filed.

The petitioner states that he is the Chairman of K.M.G. High School Educational Committee and it is running a Girls High School in Chittoor town. He further states that the old school building was demolished five years back with a view to construct a new building and for that purpose, the Government has also sanctioned a sum of Rs.25.00 lakhs. While the matter stood thus, in the news article published on 23.1.1999, it was stated that the school premises was allotted for running 'Ryot Bazar' from 26.1.1999 onwards and the authorities are making all arrangements for the said purpose. Challenging the said action of the respondents, the present writ petition is filed.

The learned counsel for the petitioner submits that in spite of the objections raised by the third respondent-Municipality, the respondents
1 and 2 are contemplating to run the ryot bazaar in the school premises. It is stated that in fact the Municipal Council has objected for the said proposal and requested the respondents to allot the market yard premises for running ryot bazaar. He further submits that the respondents have no power, authority or jurisdiction to allot the school premises for running the ryot bazaar. He also submits that if the school building is not constructed within time prescribed, the students and the staff would suffer great hardship and the grant will be lapsed.

Heard the learned counsel for the petitioner and perused the material placed on record.

Even though the writ petition was admitted on 25.1.1999 and interim direction was granted in W.P.M.P.No. 1296 of 1999 directing the respondents not to run the ryot bazar in the premises of K.M.G.High School, Chittoor, the respondents did not choose to file any counter affidavit in the matter rebutting the averments made in the affidavit or opposing the interim order. Therefore, this Court has no option except to take the averments made by the petitioner in the affidavit filed in support of the writ petition to be true and correct and allow the writ petition.

In view of the above, the writ petition is allowed as prayed for. There shall be no order as to costs.

N.V.RAMANA, J

Date: 27.6.2005

DA

To

1 The District Collector, Chittoor.
2 The Revenue Divisional Officer, Chittoor.
3 The Commissioner, Chittoor Municipality, Chittoor.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.